

FILED  
UNITED STATES DISTRICT COURT CLERKS OFFICE  
FOR THE  
DISTRICT OF MASSACHUSETTS  
2005 JAN 21 A 10: 21

ANTHONY P. SCAPICCHIO  
Plaintiff

U.S. DISTRICT COURT  
DISTRICT OF MASS.

v.

CIVIL ACTION NO. 04-11573-RWZ

MOUNT AUBURN PROFESSIONAL  
SERVICES, MOUNT AUBURN HOSPITAL,  
as administrator of the Mount Auburn Hospital  
RetirementPlus 403(b) Plan, and THOMAS  
FABIANO

Defendants

**MOTION OF THE DEFENDANTS, MOUNT AUBURN PROFESSIONAL  
SERVICES, MOUNT AUBURN HOSPITAL, AS ADMINISTRATOR  
OF THE MOUNT AUBURN HOSPITAL RETIREMENTPLUS 403(b)  
PLAN AND THOMAS FABIANO FOR SUMMARY JUDGMENT**

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The defendants, Mount Auburn Professional Services, Mount Auburn Hospital, as administrator of the Mount Auburn Hospital RetirementPlus 403(b) Plan and Thomas Fabiano, pursuant to Federal Rule of Civil Procedure 56 move for summary judgment and in support of the motion file herewith the affidavit of the defendants in support of their motion for summary judgment, their memorandum in support of the motion for summary judgment and the statement of the material facts of record as to which the defendants contend there is no genuine issue to be tried.

MOUNT AUBURN PROFESSIONAL  
SERVICES, MOUNT AUBURN HOSPITAL,  
as the administrator of MOUNT AUBURN  
HOSPITAL RETIREMENTPLUS 403(b) PLAN  
and THOMAS FABIANO

By their Attorneys,



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